

E-Filed on 10/29/07

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors,

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case
No. BK-S-06-10725-LBR

Judge Linda B. Riegle Presiding

**STATEMENT OF FACTS IN SUPPORT OF
USACM LIQUIDATING TRUST'S
MOTION FOR SUMMARY JUDGMENT
TO CLASSIFY CLAIM BY PECOS
PROFESSIONAL PARK LIMITED
PARTNERSHIP IN PLAN CLASS A-7**

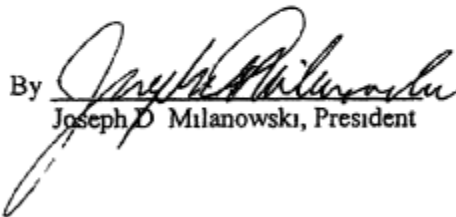
USACM Liquidating Trust ("USACM Trust") files this Statement of Facts in
Support of its Motion for Summary Judgment to Classify Claim by Pecos Professional
Park Limited Partnership in Plan Class A-7. This Statement of Facts is supported by the
attached exhibits. The following facts are material to the Motion and are undisputed.

1. Pecos filed Proof of Claim No. 10725-00752-2, which asserted an unsecured
claim for \$470,080.98 arising out of an unexpired lease it entered into with USACM (the
"Pecos Lease"). A copy of Proof of Claim No. 10725-00752-2 is attached hereto as
Exhibit 1. A copy of the Pecos Lease is attached to Proof of Claim No. 10725-00752-2.

The signature block for the Pecos Lease is signed for Pecos by Thomas A. Hantges, President of USA Development, Inc. as General Partner for Pecos:

TENANT:

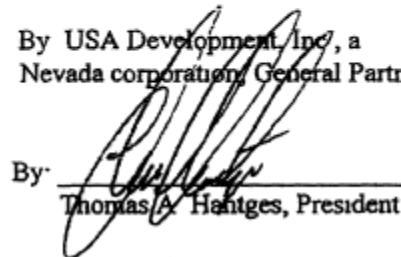
USA Commercial Mortgage Company

By 
Joseph D. Milanowski, President

LANDLORD:

Pecos Professional Park Limited Partnership

By USA Development, Inc., a Nevada corporation, General Partner

By 
Thomas A. Hantges, President

See Pecos Lease, **Exhibit 1, attached.**

2. Pecos is a limited partnership organized under Nevada law. One of Pecos' general partners is USA Development, Inc. Declaration of Kim Cady ("Cady Decl.") ¶ 3, attached as Exhibit 2.

3. USA Development, Inc. is controlled by Hantges, as its president and secretary. Cady Decl. ¶ 4.

Dated October 29, 2007.

LEWIS AND ROCA LLP

By /s/ RC (#006593)

Susan M. Freeman, AZ 4199 (pro hac vice)

Rob Charles, NV 6593

John Hinderaker, AZ 018024 (pro hac vice)

Attorneys for the USACM Liquidating Trust

1 Copy of the foregoing served on October 29, 2007, via email where an email address is
2 listed, and if no email address is listed, then by first class mail, postage paid, addressed to:

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